

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and the
S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N #2005-2W-143-C

May 13, 2005

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1344), and the South Carolina Coastal Zone Management Act (48-39-10 et.seq.) an application has been submitted to the Department of the Army and the S.C. Department of Health and Environmental Control by

KELLY LEWIS
C/O ARROWOOD ENVIRONMENTAL GROUP, INC.
1171 MONTGOMERY ROAD
CHARLESTON, SOUTH CAROLINA 29412

for an after-the-fact permit for filling 0.26 acres of freshwater wetlands near

BLACK TOM BAY

at a location off of Highway 17-A near Moncks Corner on Sun Valley Lane in Berkeley County, South Carolina (Latitude: 33.17166, Longitude: 80.04056).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the existing work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, JUNE 13, 2005

from those interested in the activity and whose interests may be affected by the existing work.

This authorization is for filling 0.25 acres of unnamed jurisdictional freshwater wetlands for an existing road crossing and for 0.01 acres of unnamed jurisdictional wetland fill for the improvement of the existing road crossing. Mitigation for the project includes the preservation of 2.3 acres of mixed hardwood wetlands and 0.49 acres of existing waters of the U.S. These areas will be enhanced by 0.56 acres of upland buffer. The remaining required mitigation will be provided by the purchase of 1.1 enhancement mitigation credits from an approved mitigation bank. As stated by the applicant, the overall project purpose is to provide access and connectivity across the site.

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The work shown on this application must also be certified as consistent with applicable provisions the Coastal Zone Management Program (15 CFR 930). The District Engineer will not process this application to a conclusion until such certifications are received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The existing project impacted 0.26 acres of freshwater wetlands upstream of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the existing action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

Pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended), the District Engineer has consulted the most recently available information and has determined that the project is not likely to adversely affect any Federally endangered, threatened, or proposed species or result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request for written concurrence from the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service on this determination.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

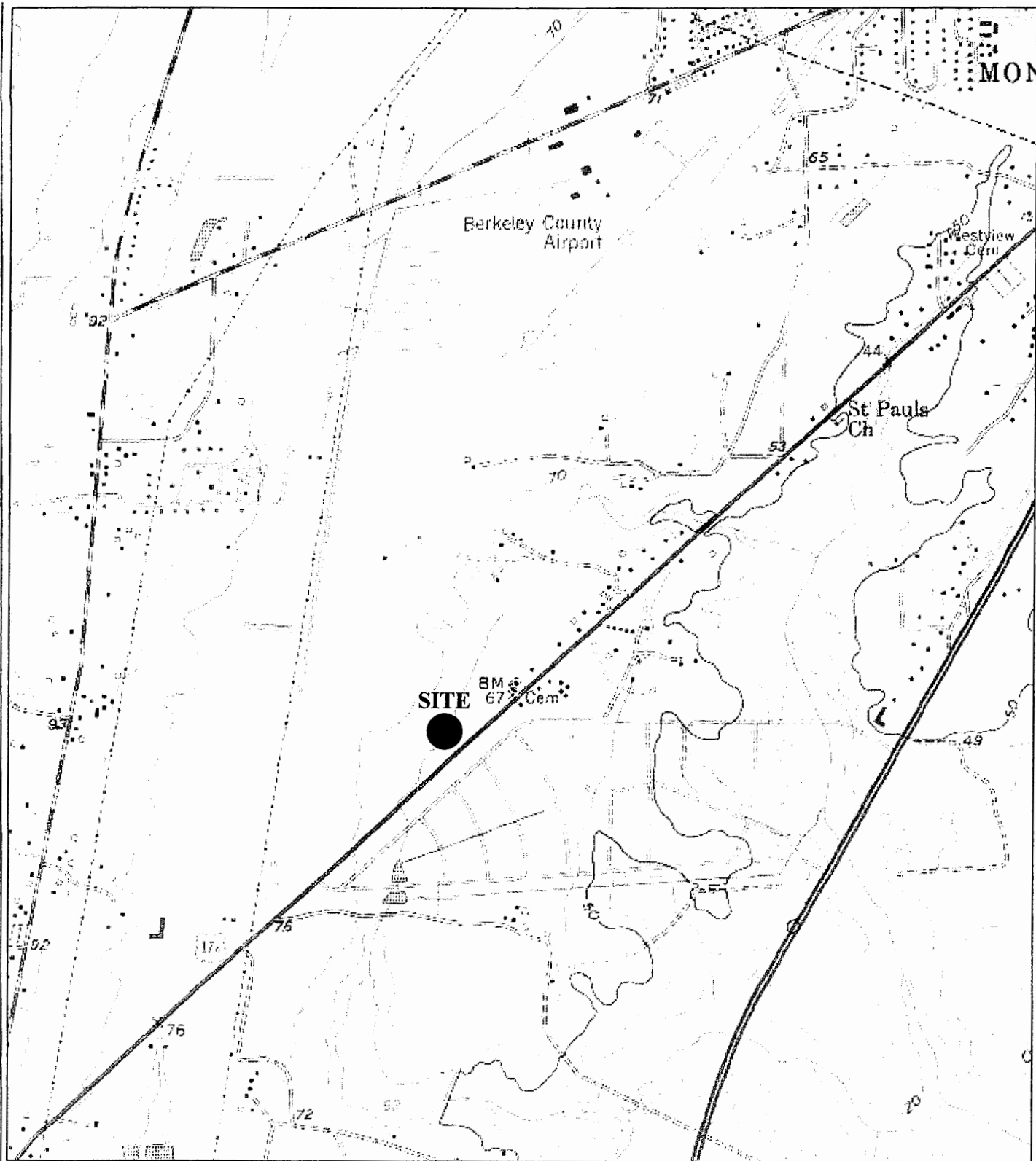
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

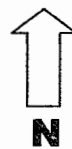
If there are any questions concerning this public notice, please contact me at 843-329-8167 or toll free at 1-866-329-8187.



Robin Goller-Socha
Project Manager
Regulatory Division
U.S. Army Corps of Engineers



PORTION OF MONCK'S CORNER, SC USGS QUADRANGLE MAP

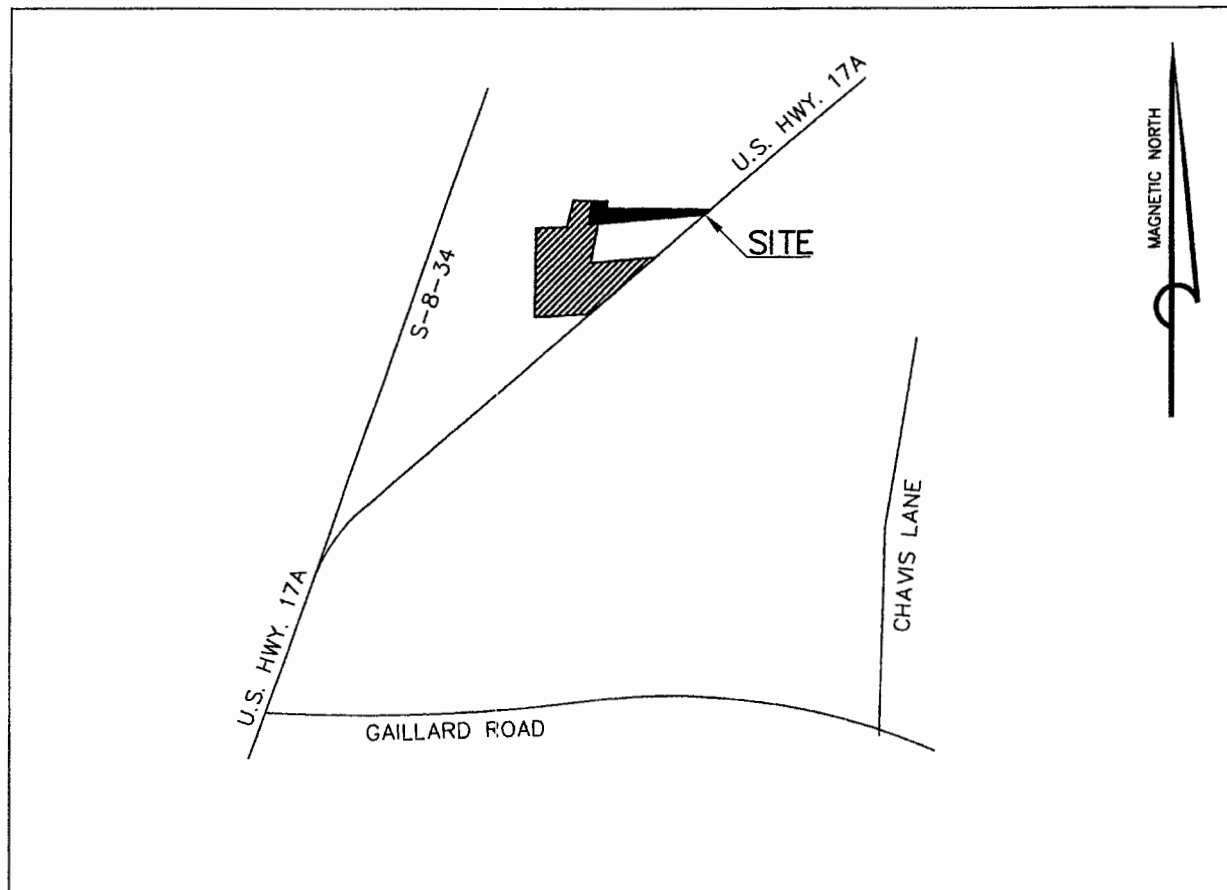


PURPOSE: WETLAND FILL / PIPE FOR
ROAD CROSSING

IN: LEWIS PROPERTY
AT: SUN VALLEY LN.
COUNTY: BERKELEY
STATE: SOUTH CAROLINA
APPLICANT: KELLY LEWIS
DATE: FEBRUARY 9, 2005

SHEET: 1 OF 6

SITE LOCATION

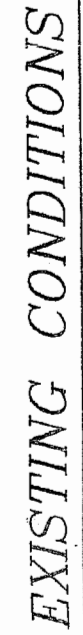
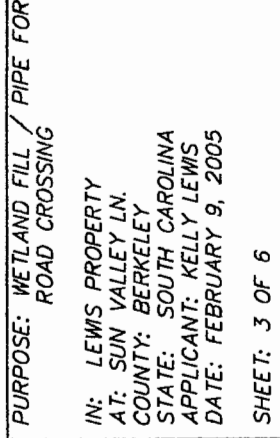


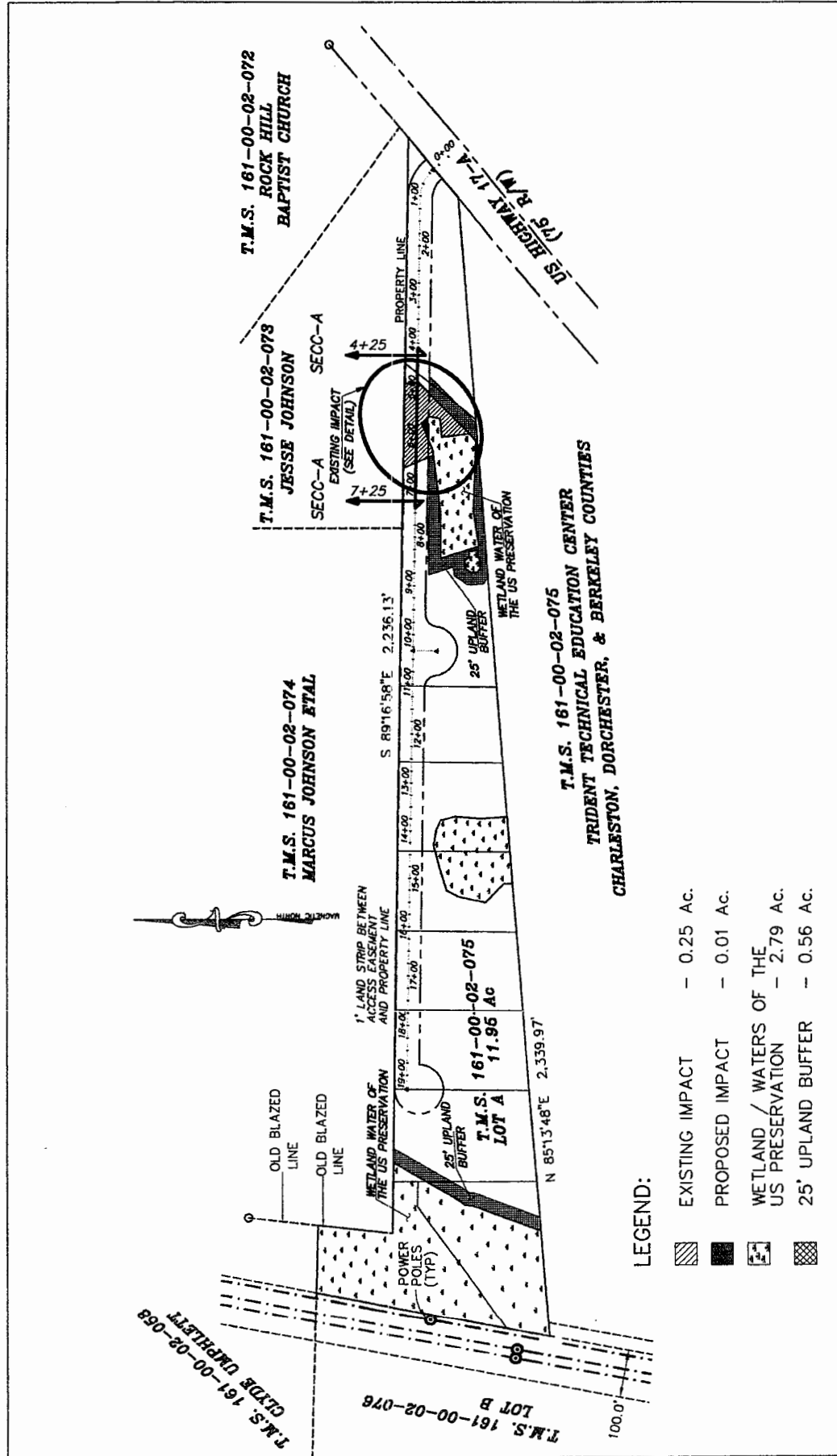
PURPOSE: WETLAND FILL / PIPE FOR
ROAD CROSSING

IN: LEWIS PROPERTY
AT: SUN VALLEY LN.
COUNTY: BERKELEY
STATE: SOUTH CAROLINA
APPLICANT: KELLY LEWIS
DATE: FEBRUARY 9, 2005

SHEET: 2 OF 6

SITE VICINITY

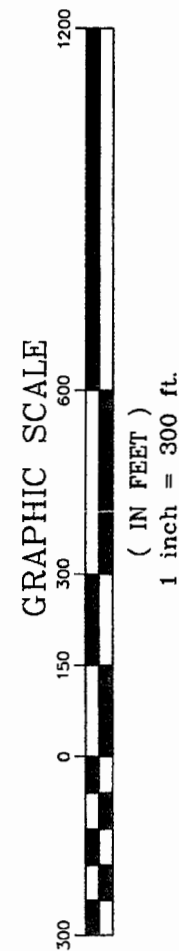




PURPOSE: WETLAND FILL / PIPE FOR ROAD CROSSING

IN: LEWIS PROPERTY
 AT: SUN VALLEY LN.
 COUNTY: BERKELEY
 STATE: SOUTH CAROLINA
 APPLICANT: KELLY LEWIS
 DATE: FEBRUARY 9, 2005

SHEET: 4 OF 6

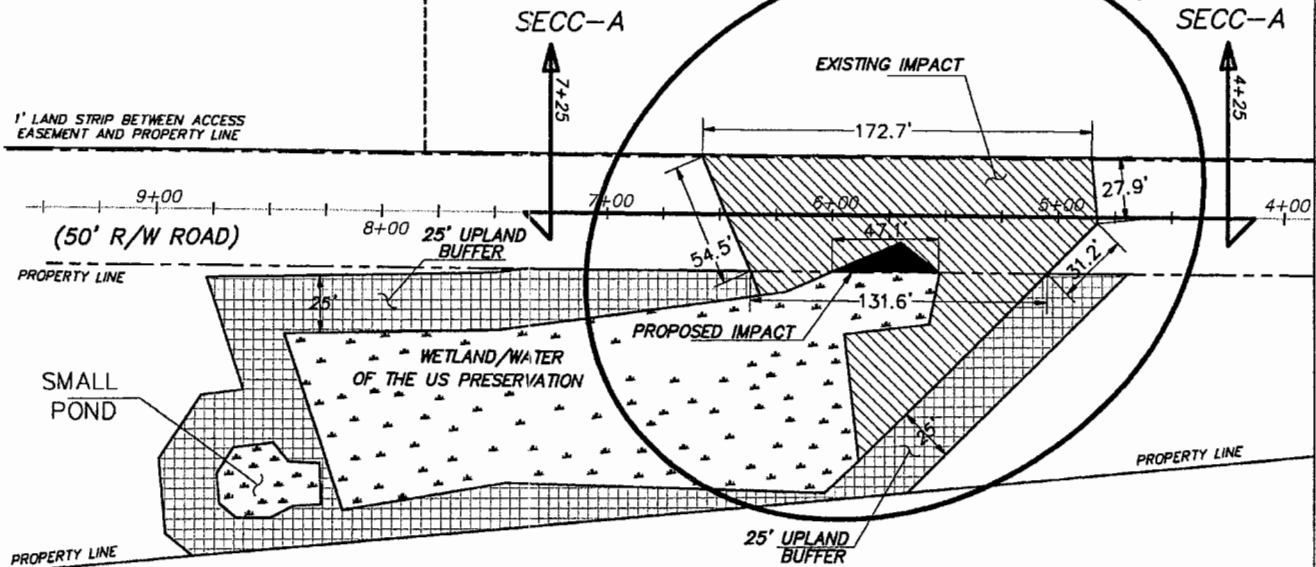


WETLAND IMPACT PLAN





T.M.S. 161-00-02-074
MARCUS JOHNSON ETAL

T.M.S. 161-00-02-073
JESSE JOHNSON

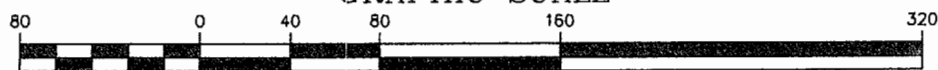
MAGNETIC NORTH



LEGEND:

-  EXISTING IMPACT - 0.25 Ac.
-  PROPOSED IMPACT - 0.01 Ac.
-  WETLAND / WATERS OF THE US PRESERVATION - 2.79 Ac.
-  25' UPLAND BUFFER - 0.56 Ac.

GRAPHIC SCALE



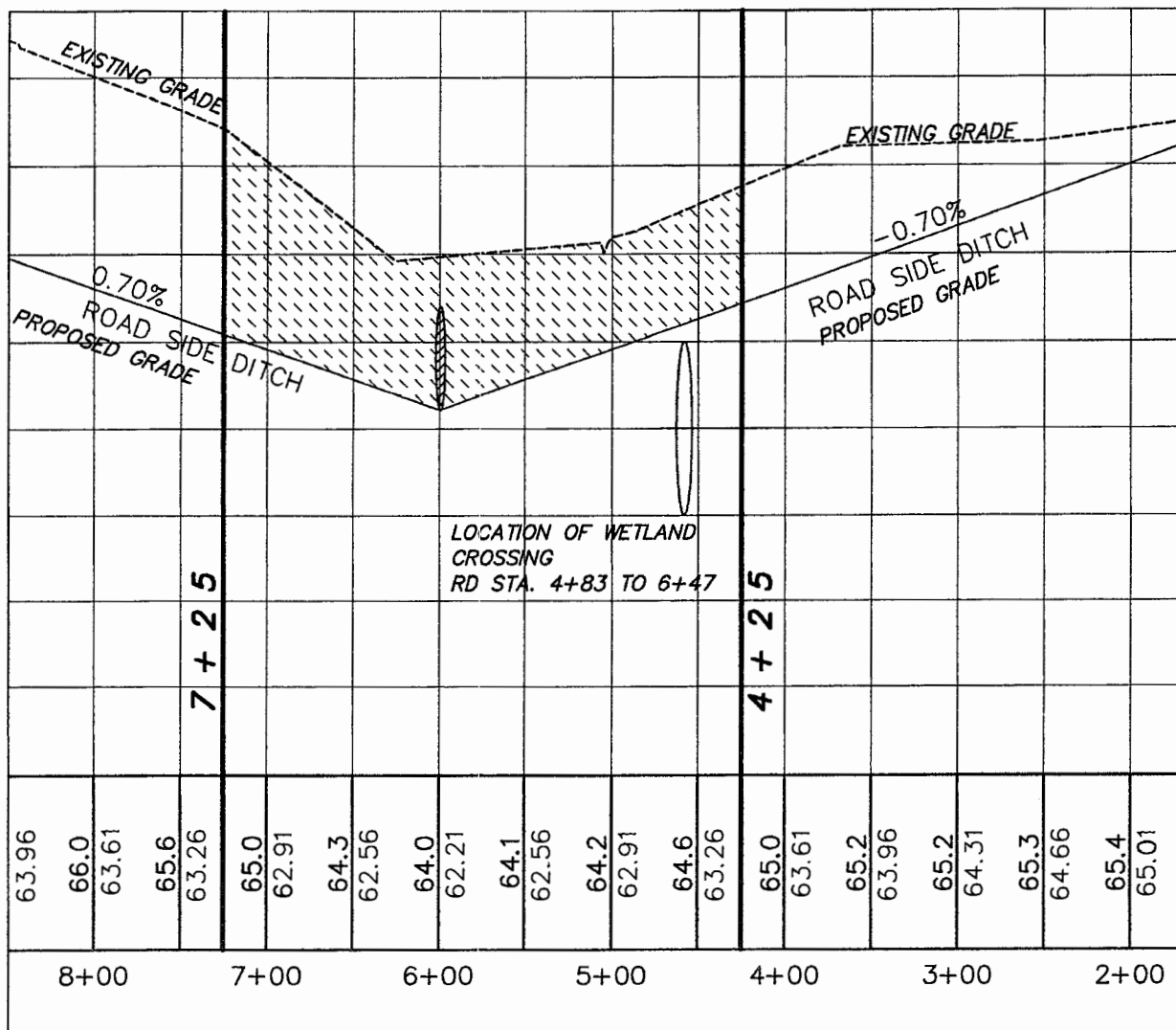
(IN FEET)
1 inch = 80 ft.

PURPOSE: WETLAND FILL / PIPE FOR
ROAD CROSSING

IN: LEWIS PROPERTY
AT: SUN VALLEY LN.
COUNTY: BERKELEY
STATE: SOUTH CAROLINA
APPLICANT: KELLY LEWIS
DATE: FEBRUARY 9, 2005

SHEET: 5 OF 6

WETLAND IMPACT DETAIL



SECTION A - A

PROFILE VIEW

PURPOSE: WETLAND FILL / PIPE FOR
ROAD CROSSING

IN: LEWIS PROPERTY
AT: SUN VALLEY LN.
COUNTY: BERKELEY
STATE: SOUTH CAROLINA
APPLICANT: KELLY LEWIS
DATE: FEBRUARY 9, 2005

SHEET: 6 OF 6

The on-site compensatory mitigation for the 0.25 acres of wetland fill for the existing road crossing and the 0.01 acres of wetland fill for improvements to the existing road crossing include on-site preservation and enhancement by upland buffering. The on-site preservation includes a total of 2.79 acres of wetlands/waters of the U.S. preservation and a total of 0.56 acres of average 25-foot wide upland buffer enhancement. However, please note that only 2.3 acres of mixed hardwood wetlands and an associated 0.19 acres of average 25-foot wide upland buffer located within the western portion of the site are reflected in the attached mitigation worksheets for calculation of the on-site mitigation credit value. This area most closely represents conditions prior to the construction of the existing road crossing based on the wetland area located off-site and immediately adjacent to the impact.

The 0.49 acres of waters of the U.S. preservation and associated 0.37 acres of average 25-foot wide upland buffer located adjacent to the existing road crossing impact will be included in the Declaration of Restrictive Covenants (DRC). The DRC will be based on the latest USACE model Declaration of Restrictive Covenants and will be recorded at the Berkeley County RMC Office in Moncks Corner, South Carolina.

The balance of the mitigation required for the site will be met by the purchase of 1.1 off-site enhancement mitigation credits from a USACE-approved wetland mitigation bank.

Mitigation for Wetlands

14. Tables and Worksheets.

14.1. Adverse Impacts Table.

ADVERSE IMPACT FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

FACTORS	OPTIONS					
Lost Type	Type C 0.2		Type B 2.0		Type A 3.0	
Priority Category	Tertiary 0.5		Secondary 1.5		Primary 2.0	
Existing Condition	Very Impaired 0.1		Impaired 1.0	Slightly Impaired 2.0		Fully Functional 2.5
Duration	Seasonal 0.1	0 to 1 0.2	1 to 3 0.5	3 to 5 1.0	5 to 10 1.5	Over 10 2.0
Dominant Impact	Shade 0.2	Clear 1.0	Dredge 1.5	Drain 2.0	Impound 2.5	Fill 3.0
Cumulative Impact	$0.05 \times \sum AA_i$					

Note: For the Cumulative Impact factor, $\sum AA_i$ stands for the sum of the acres of adverse impacts to aquatic areas for the overall project. When computing this factor, round to the nearest tenth decimal place using even number rounding. Thus 0.01 and 0.050 are rounded down to give a value of zero while 0.051 and 0.09 are rounded up to give 0.1 as the value for the cumulative impact factor. The cumulative impact factor for the overall project must be used in each area column on the Required Mitigation Credits Worksheet below.

Required Mitigation Credits Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6
Lost Type	2.0					
Priority Category	0.5					
Existing Condition	2.0					
Duration	2.0					
Dominant Impact	3.0					
Cumulative Impact	0					
Sum of r Factors	$R_1 = 9.5$	$R_2 =$	$R_3 =$	$R_4 =$	$R_5 =$	$R_6 =$
Impacted Area	$AA_1 = 0.26$	$AA_2 =$	$AA_3 =$	$AA_4 =$	$AA_5 =$	$AA_6 =$
$R \times AA =$	2.47					

Total Required Credits = $\sum (R \times AA) =$ 2.5

September 19, 2002

Page 27 of 73

Mitigation for Wetlands

14.3. Restoration and Enhancement Table.

RESTORATION AND ENHANCEMENT MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors	Options				
	Minimal Enhancement 0.1	to			Excellent Restoration 4.0
Control	N. A. 0	Covenant Private 0.1	Covenant POA 0.2	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6
Temporal Lag	N.A.* 0	Over 20 - 0.3	10 to 20 - 0.2	5 to 10 - 0.1	0 to 5 0
Credit Schedule	Schedule 5* 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 5 - 0.1	Category 4 0	Category 3 0.2	Category 2 0.3	Category 1 0.4
Location	Zone 5 - 0.1	Zone 4 0	Zone 3 0.2	Zone 2 0.3	Zone 1 0.4

N. A. = Not Applicable

*Use this option to calculate credits for enhancement by buffering

Proposed Restoration or Enhancement Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Net Improvement	0.1				
Control	0.1				
Temporal Lag	0				
Credit Schedule	0				
Kind	0.4				
Location	0.4				
Sum of m Factors	M ₁ = 1.0	M ₂ =	M ₃ =	M ₄ =	M ₅ =
Mitigation Area	A ₁ = 0.19	A ₂ =	A ₃ =	A ₄ =	A ₅ =
M × A =	0.19				

Total Restoration/Enhancement Credits = $\sum (M \times A) =$ 0.2

Mitigation for Wetlands

14.4. Preservation Table.

PRESERVATION MITIGATION FACTORS FOR WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS

Factors	Options				
Priority Category	Tertiary 0.1	Secondary 0.2		Primary 0.4	
Existing Condition	Impaired - 0.1	Slightly Impaired 0		Fully Functional 0.1	
Degree of Threat	Low - 0.1	Moderate 0.1		High 0.2	
Control	Covenant Private 0	Covenant POA 0.1	Conservation Easement 0.4	Transfer Fee Title Conservancy 0.6	
Kind	Category 5 - 0.1	Category 4 0	Category 3 0.1	Category 2 0.2	Category 1 0.3
Location	Zone 5 - 0.1	Zone 4 0	Zone 3 0.1	Zone 2 0.2	Zone 1 0.3

Note: Preservation credit should generally be limited to those areas that qualify as Fully Functional or Slightly Impaired. Impaired sites should be candidates for enhancement or restoration credit, not preservation credit. In special circumstances when Impaired sites are allowed preservation credit (e.g. within the scope of some OCRM wetland master planned projects), a negative factor will be used to calculate credits as per the matrix table.

Proposed Preservation Mitigation Sample Worksheet

Factor	Area 1	Area 2	Area 3	Area 4	Area 5
Priority Category	0.1				
Existing Condition	0				
Degree of Threat	0.1				
Control	0				
Kind	0.3				
Location	0.3				
Sum of m Factors	$M_1 = 0.8$	$M_2 =$	$M_3 =$	$M_4 =$	$M_5 =$
Mitigation Area	$A_1 = 2.11$	$A_2 =$	$A_3 =$	$A_4 =$	$A_5 =$
$M \times A =$	1.69				

3 ACRES
183. -
19 ACRES
OFFER →

$$\text{Total Preservation Credits} = \sum (M \times A) = \boxed{1.7}$$

Mitigation for Wetlands

14.6. Mitigation Summary Worksheet.

WETLANDS AND OTHER WATERS OF THE U.S. EXCLUDING STREAMS Mitigation Summary Worksheet For Permit Application # _____

I. Required Mitigation

A. Total Required Mitigation Credits =	2.5
--	-----

II. Non-Banking Mitigation Credit Summary

	Credits	Acres
B. Creation	—	—
C. Restoration and/or Enhancement (Non-Buffer Enhancement)	—	—
D. Restoration and/or Enhancement (Buffer Enhancement)	0.2	—
E. Total No Net Loss Non-Bank Mitigation = B + C + D	0.2	—
F. Preservation	1.7	—
G. Total Proposed Non-Bank Mitigation = E + F	1.9	—

III. Banking Mitigation Credit Summary

	Credits	Acres
H. Creation	—	—
I. Restoration and/or Enhancement (Non-Buffer Enhancement)	1.1	—
J. Restoration and/or Enhancement (Buffer Enhancement)	—	—
K. Total No Net Loss Bank Mitigation = H + I + J	1.1	—
L. Preservation	—	—
M. Total Proposed Bank Mitigation = K + L	1.1	—

IV. Grand Totals

	Credits	Acres
N. Total Preservation Mitigation = F + L	1.7	—
O. Total Non-Preservation Mitigation = E + K	1.3	—
P. Total Creation = B + H	—	—
Q. Total Restoration and/or Enhancement (Non-Buffer Enhancement) = C + I	1.1	—
R. Total Proposed Mitigation = G + M	3.0	—

Mitigation for Wetlands

The Total Mitigation Credits (Row R) should be equal to or greater than the total Required Mitigation Credits (Row A) for the proposed mitigation to be acceptable. The other requirements given in the SOP must also be satisfied, e.g., in the credits column, Row O must equal at least 50% of Row A and the addition of Row P and Row Q must equal at least 25% of Row A. If the answer to any of the questions below is no, then the proposed mix and/or quantity of mitigation is not in compliance with the policy and the plan should be revised or rejected, unless a variance is approved.

	Yes	No
$PMC \geq RMC$ or in words Are the credits in Row R greater than or equal to Row A ?	✓	
$PMC_{Non-Preservation} \geq \frac{1}{2} RMC$ or in words Are the credits in Row O greater than or equal to 50% of Row A ?	✓	
$PMC_{Creation + Restoration/Enhancement (Non-Buffer Enhancement)} \geq \frac{1}{4} RMC$ or in words Are the credits in Row P plus the credits in Row Q greater than or equal to 25% of Row A ?	✓	